

RECEIVED AND FILED
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N.J. BOARD OF DENTISTRY
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CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF:

JAMES M. LEVY, D.M.D., JEFFREY L.
SCHAPPER, D.M.D., MICHAEL S. AYES,
D.D.S., ANTHONY M. GACITA, D.M.D.,
SEYED M. SHAMSEDDIN, D.D.S.,
RICHARD L. RUSH, D.D.S., CARLA A.
MCGRUDER, D.M.D.,

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

INTERIM CONSENT ORDER
IMPOSING TEMPORARY
RESTRICTIONS

This matter was opened to the New Jersey State Board of Dentistry upon the filing of an Order to Show Cause, Notice of Hearing and Requirement to File Answer filed September 28, 1999 by John J. Farmer, Jr., Attorney General of New Jersey, by Anthony P. Kearns, III, Deputy Attorney General. The Complaint in this matter alleges that the continued practice of dentistry by the respondents represents a clear and imminent danger to the public health, safety and welfare and thus constitutes a basis for temporary suspension or limitation of licensure pursuant to N.J.S.A. 45:1-22. The emergent application was scheduled to be heard by the Board at its regularly scheduled meeting on October 6, 1999.

The Complaint alleges that the respondent's dental office, Modern Dental Concepts, located at 1745A Deptford Center Road, Deptford, New Jersey 08096 was maintained in an unsanitary condition. The Complaint further alleges that a consistent pattern of unsanitary conditions existed at the said office since December of 1996. Respondents filed an Answer on October 1, 1999.

Respondents having denied any wrongdoing but having consented to the entry of this Order as an interim measure pending plenary hearing, and the Board finding the within Order to be adequately protective of the public health, safety, and welfare;

IT IS ON THIS 6th day of October, 1999,

ORDERED THAT:

1. Respondents Jaime M. Levy, D.M.D., Jeffrey L. Schupper, D.M.D., Michael S. Ayes, D.D.S., Anthony M. Gacita, D.M.D., Seyed M. Shamseddin, D.D.S., Richard L. Rush, D.D.S., and Carla A. McGruder, D.M.D. shall cease and desist from the practice of dentistry at 1745A Deptford Center Road, Deptford, New Jersey 08096 at the close of business on Wednesday, October 6th, 1999.

2. Respondents shall cause the Modern Dental office at 1745A Deptford Center Road, Deptford, New Jersey 08096 to be put in a clean and neat condition comporting with accepted dental sanitary practices including but not limited to the cleaning of all dental equipment, sharps containers, dental lights, and phones to remove all dust, dirt, and grime.

3. The respondents agree to arrange for personnel to undertake the following tasks:

a. deep cleaning the entire office including but not limited to the emptying of all cabinets, washing cabinet interiors and exteriors, and all walls.

b. steam cleaning all rugs and supplying a certification that all rugs were steam cleaned.

c. patching all holes in walls and spot painting as needed.

d. repairing or replacing all cabinet doors as needed.

e. covering of all electrical wiring hanging out of walls and obtaining a certification from a licensed electrician that such wires pose no threat to the building or its occupants.

f. cleaning, repairing or replacing all torn, worn, or dirty dental chairs.

g. replacing or repairing any and all torn X-ray lead aprons.

4. The respondents agree to ensure that hot water is available in each treatment room, lavatory and laboratory at all times.

5. The respondents agree to ensure that all dental equipment will be operational and functioning properly when used to treat patients, including, but not limited to, the air/water syringe system.

6. The respondents agree that prior to the re-opening of the office pursuant to paragraph 15 below, they shall remove the sign in the waiting room indicating that the office is being remodeled and replace it with a sign notifying their patients that the

practice will be moving. The respondents shall notify their patients in good faith as to when they reasonably expect to move to their new location.

7. The respondents agree that upon re-opening of the office pursuant to paragraph 15 below, they shall practice "4-hand dentistry" in which a Dental Assistant fully participates with the Dentist by spraying water into the mouth of the patient to remove all debris and liquid by a vacuum system.

8. The Respondents will institute a policy prohibiting any patients from spitting into the sinks. The respondents will purchase and utilize hand held evacuators known as "Drycups."

9. The respondents agree that all Dental Hygienists will utilize the "Drycup" hand-held evacuators when treating all patients.

10. The respondents agree that each room will be totally cleaned following the treatment of each patient including but not limited to a procedure that requires the replacement of plastic covers on the dental chair and dental light handles at the conclusion of each patient's treatment. The procedure must also require that following the treatment of one patient and before the arrival of the next patient the light handles, chair, and counter tops all must be sprayed with a disinfectant.

11. The respondents agree to contract with a cleaning company to clean the office on a daily basis. The respondents agree to verify that such a contract exists and verify the daily cleanings upon the request of the Enforcement Bureau.

12. The respondents agree to neatly cover all non-functioning cuspidors remaining in the office.

13. The respondents agree to the correction of any and all other items deemed by the Board to fall below the standard of accepted dental sanitary practices.

14. Respondents may request a re-inspection of their office premises at any time subsequent to meeting the requirements of this Consent Order and the respondents' office shall be inspected by the Enforcement Bureau of the Division of Consumer Affairs within forty-eight hours or as soon as may be practicable without unreasonable delay.

15. After re-inspection of respondents' office by the Enforcement Bureau, pursuant to paragraph 14 and upon receipt by the Attorney General and the Board of the Enforcement Bureau's inspection report indicating that said premises are suitable and fit for the resumption of the practice of dentistry, respondents may re-open their dental practice upon written permission of the Board president.

16. The Board will perform spot checks of the Modern Dental office at reasonable frequency and at the cost of the Respondents. Respondents shall be provided with the exact amount of costs in the form of affidavits of costs. Said costs shall be paid within thirty days of receipt of the affidavit of costs, by respondents' counsel, by certified check or money order payable to the Board of Dentistry.

17. The respondents hereby consent to the entry of an Order of automatic temporary limitation of license barring further practice at the Modern Dental Concepts office at 1745A, Deptford Center Road, Deptford, New Jersey 08096 without notice, upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondents have failed to comply with any of the conditions herein, including but not limited to falling below the standard of accepted dental sanitary practices at said office.

18. Respondents shall have the right to apply for removal of the automatic temporary limitation on two (2) days notice but in such event shall be limited to a showing that the conditions at said office did not fall below the standard of accepted dental sanitary practices at said office.

Board of Dentistry

By Jerome M. Fien
Jerome M. Fien
Vice-president

OCT- 7-99 THU 12:35 PM

OCT. 7.1999 9:39AM THE DENTAL OFFICE
OCT 06 '99 05:27PM MODERN DENTAL CONCEPTS

P. 8

P.7/8

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.


James M. Levy, D.M.D.

OCT- 7-99 THU 12:34 PM

OCT. 7.1999 9:40AM THE DENTAL OFFICE

NO.183

P.6/7

P. 7

OCT 06 '99 05:27PM MODERN DENTAL CONCEPTS

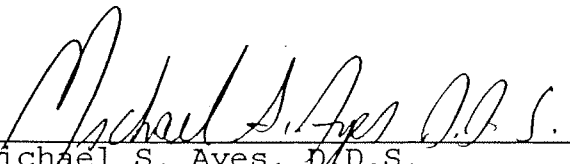
P.8/8

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.



Jeffrey L. Schapper, D.M.D.

I have read and understood the
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is hereby given to the Board
to enter this Order.


Michael S. Ayes, D.D.S.

OCT- 7-99 THU 12:34 PM

P. 6

OCT. 7.1999 9:39AM THE DENTAL OFFICE

NO.103 P.5/7

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.



Anthony M. Gacita, D.M.D.

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P. 5

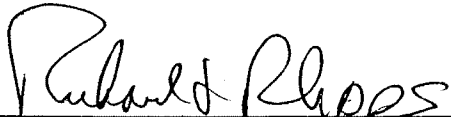
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NO.187 P.2/2

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.

Lt M. Shamseddin D.D.S.
Sayed M. Shamseddin, D.D.S.

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.



Richard L. Rush, D.D.S.

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P. 4

OCT. 7.1999 9:42AM THE DENTAL OFFICE

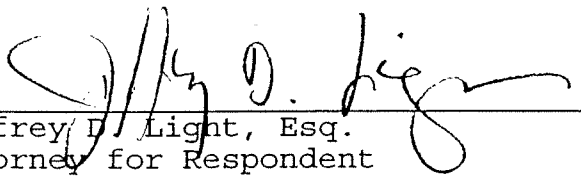
NO.183 P.777

I have read and understood the
within Order and agree to be
bound by its terms. Consent
is hereby given to the Board
to enter this Order.



Carla A. McGruder, D.M.D.

Consented to as to form and entry



Jeffrey D. Light, Esq.
Attorney for Respondent